

## REMARKS

In the Office Action mailed July 1, 2005, the Examiner rejected claims 1-35 under 35 U.S.C. § 103(a). This reply amends claims 1, 2, and 19 and adds claims 36-38. Claims 1-38 are pending and under consideration.

### Claims 1-3, 8-12, 17-20, 25-29, 34, and 35

The Examiner rejected claims 1-3, 8-12, 17-20, 25-29, 34, and 35 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,105,148 ("Chung") in view of U.S. Patent No. 6,601,139 ("Suzuki"). This rejection is respectfully traversed for the following reasons.

### Examiner Interview on October 13, 2005

The undersigned wishes to thank the Examiner for the opportunity to discuss the differences between the invention and the cited prior art at the Examiner Interview held October 13, 2005. As discussed at the Examiner Interview, neither Chung nor Suzuki disclose operations on meta data as defined in the claims. The only mention of meta data in either reference is the use of this term once in Suzuki to refer to UW data which as discussed below does not correspond to what is recited in the claims.

### Failure to teach all limitations

The rejection is improper at least because Chung in view of Suzuki does not teach or suggest all the claim limitations. Claim 1 recites meta data "correlating the file managed in said data area and said user defined process held in said defined process holding unit." Neither Chung nor Suzuki, when viewed individually or in combination, teach or suggest this feature. On page 3, lines 9 and 10, of the Office Action, the Examiner acknowledged that Chung does not teach this feature.

As discussed at the Examiner Interview, in Suzuki, the term "meta data" describes the data referred to as "UW data" (see col. 14, lines 20-22). This "UW data" is data stored in a "UW data area" of a disk. As explained by column 14, lines 23-25, this UW data is hardware level information about a disk. For example, a number of times a disk has been used is stored as "UW data" (col. 14, 23-25). See also the definition of UW data as "data representing the number of times the disc has been used by the information processing apparatus and also error information data" (column 11, lines 51-53). Further, this UW data cannot be accessed by the file system and is stored in an area that is not formatted by a drive format command (column 8, lines 46-58).

As the meta data of Suzuki includes only low level information about hardware, it does not correspond to data "correlating the file managed in said data area and said user defined process held in said defined process holding unit." Therefore, Suzuki does not teach or suggest anything comparable to the feature the Examiner acknowledges Chung does not teach. As neither Chung nor Suzuki teaches anything comparable to this feature, Chung in view of Suzuki does not disclose meta data "correlating the file managed in said data area and said user defined process held in said defined process holding unit."

Claims 18 and 35 include features similar to the feature of claim 1 discussed above. Therefore, Chung in view of Suzuki does not render these claims unpatentable for reasons similar to the reasons discussed above. Claims 2, 3, 8-12, 17, 19, 20, 25-29, and 34 are allowable over Chung in view of Suzuki at least because these claims depend upon an allowable claim.

#### **B. Improper motivation to modify**

The Examiner asserted that one of ordinary skill in the art would apply the teachings of Suzuki to the system of Chung "to use standard technology for managing files" (Office Action, page 4, lines 2-3). The Examiner also asserted that it would be obvious to combine the references "to provide information about the structure of data being used" (page 4, line 6) and "to use formats for data in order to use standard structures of the data and gain acceptance of the system" (page 4, lines 8-9)

As previously explained, the meta data of Suzuki is inaccessible by calls from a computer's file system and is stored on a portion of a disk that is not formatted using file system drive format commands. In contrast to Suzuki, Chung teaches storing and accessing files within a file system (see Fig. 1). For example, see the section of Chung entitled "Monitoring Persistent state by intercepting file system calls."

As Suzuki teaches meta data that is independent and separate from a file system, the Examiner's assertions appear to be incorrect. Contrary to the Examiner's assertions, applying the teachings of Suzuki to Chung would not allow the use of "standard technology for managing files," "provide information about the structure of data being used," or allow the use of "formats for data in order to use standard structures . . ." Instead, applying Suzuki to Chung would render both Chung and Suzuki would only provide an area on a disc for storing the number of accesses and error information and would not advance the stated purpose of Chung. Additionally, by

teaching storage of UW data that is completely separate from a file system, Suzuki appears to teach away from the system of Chung.

#### **Claims 4-7, 13-16, 21-24, and 30-33**

The Examiner rejected claims 4-7, 14, 21-24, and 31 under 35 U.S.C. § 103(a) as unpatentable over Chung in view of Suzuki and further in view of U.S. Patent No. 5,537,592 ("King"). Additionally, the Examiner rejected claims 13 and 30 as unpatentable over Chung in view of Suzuki and further in view of U.S. Patent No. 6,105,148 ("Cole"). The Examiner also rejected claims 15 and 32 as unpatentable over Chung in view of Suzuki and further in view of U.S. Patent No. 6,542,909 ("Tamer") and rejected claims 16 and 33 as unpatentable over Chung in view of Suzuki and further in view of U.S. Patent No. 6,356,904 ("Moriyama").

These rejection are respectfully traversed. Nothing has been cited or found in any of King, Cole, Tamer, or Moriyama that suggests modifying Chung in view of Suzuki to overcome the deficiencies discussed above.

#### **New Claims 36-38**

This Reply adds claims 36-38. These claims are patentable at least because the prior art does not teach or suggest all the elements set forth in them. As discussed above, the teachings of Suzuki regarding "UW data" stored in a "UW data area" contains no suggestion of "a relation between a characteristic of the file and a computer program" (claim 36, lines 2-3) or "executing the computer program based on the relation" (claim 36, last line).

#### **Conclusion**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/477,452

If there are any additional fees associated with the filing of this reply, please charge them to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/1/05

By: Richard A. Gollhofer

Richard A. Gollhofer  
Registration No. 31,106

1201 New York Avenue, NW, Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500